THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18473 of 2005

22-08-2005

Between:

1.Smt.B.Durga and another

... PETITONERS

AND

1. The Commissioner of School Education, Opp.Accountant General Office, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18473 of 2005

ORDER:

This writ petition is filed by the petitioners aggrieved by non-approval of their appointment in the posts of Grade-II Telugu Pandit and Grade-I Hindi Pandit.

According to the petitioners, the fourth respondent-Institution obtained approval from competent authority through proceedings dated 16.12.2003 in respect of Grade-II Telugu Pandit and dated 26.01.2004 in respect of Grade-I Hindi Pandit and thereafter, notified the vacancies and issued a notification, for which, the petitioners made their applications. Through the properly constituted Selection Committee, the petitioners were selected and thereafter, the proceedings were forwarded to the third respondent, who in turn forwarded the same to the second respondent. The second respondent issued a communication dated 16.12.2004 informing the fourth respondent about the proceedings of the Government in Memo No.12080/COSE/A2/2004, dated 20.10.2004, wherein there is prohibition from filling up new posts as well as vacant aided posts. Aggrieved by the same, the petitioners have come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner contended that as the proceedings have been initiated and even selection process was completed long before the date of the said memo, the same has no application. Therefore, he sought for appropriate directions for considering the proposals sent by the fourth respondent seeking approval of the second respondent.

The learned Government Pleader for School Education appearing for

the respondents, however, sought to sustain the order in view of the ban imposed and also contended that it is only the selected candidates who have come up with the present writ petition.

Heard both sides and considered the material on record.

This Court has already decided the issue in favour of the Institutions as well as in favour of the selected candidates holding that the ban imposed by the Government vide Memo dated 20.10.2004 has no application with reference to posts which fell vacant where the approvals were even granted prior to the said date of ban.

Admittedly, in the present case, the competent authority, the third respondent herein, granted approval in December, 2003 and January, 2004. Thereafter, the selection process was also completed through the properly constituted Selection Committee including the nominee of the Government. Therefore, there is no justification in not clearing the proposals forwarded by the fourth respondent which are now stated to be pending with the second respondent.

Under the above circumstances, the writ petition is disposed of directing the second respondent to consider the proposals sent by the fourth respondent which were forwarded by the third respondent without reference to the memo issued by the Government dated 20.10.2004 and pass appropriate orders in accordance with law expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. No costs.

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22.08.2005

Note: Issue CC in three days.

(b/o)

VGB